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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Note verbale dated 15 March 1999 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the secretariat of the fifty-fifth session of the Commission on Human Rights

The Permanent Mission of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva presents its compliments to the secretariat of the fifty-fifth session of the Commission on Human Rights and has the honour to enclose herewith* a copy of a memorandum concerning the situation of human rights in Myanmar.

The Permanent Mission would be grateful if the aforementioned document could be circulated as an official document of the fifty-fifth session of the Commission on Human Rights under agenda item 9 in all United Nations official languages.

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* The annex is reproduced as received in the language of submission only.

Annex

Memorandum Concerning the Situation of Human Rights in Myanmar

Introduction

Human Rights have become a major theme of international discourse in recent years with human rights aspects being incorporated into almost all of the activities of the United Nations. Efforts to promote and protect human rights have also become intense.

Myanmar wholeheartedly supports the protection and promotion of human rights and thus, welcomes this trend as a positive development for human society as a whole. At the same time, it is essential that certain basic principles be scrupulously observed if the whole exercise of promoting human rights is not to be counterproductive.

In our view, the basic ground rules are simple and easy to adhere to, provided that one possesses sincerity and goodwill. With regard to Myanmar, one only needs to be impartial and objective, while taking into consideration the unique history and peculiar social, cultural and religious values of its people.

This is even more pertinent when alleged violations of human rights in a given country are considered by relevant United Nations bodies. To be able to retain their credibility, the United Nations bodies concerned should be free from politicisation. They must respect the relevant fundamental principles of the UN Charter, particularly those relating to non-interference in matters which are essentially within the jurisdiction of the state.

If these principles are observed by all, the essence of human rights will prevail, and the world will be a just, safe and happy place for all to live in.

This memorandum has been prepared for the ready reference of the members of the Commission on Human Rights and observer delegations to enable them to understand better the true situation prevailing in the Union of Myanmar. In order to arrive at the truth of any issue, it is vital to have a sound and holistic background knowledge on the subject. This is even more important when assessing the situation of human rights of a country, for each country has its own unique situation as no two countries are alike.

It is hoped that the participants of the 55th Session of the Commission on Human Rights will take into account many interwoven factors involved and view the situation in Myanmar from a more balanced and unbiased perspective, in order to arrive at a correct conclusion.

Importance of Peace and Stability

The present Government was compelled to assume the responsibilities of the State in 1988, in order to save the country from a rapidly worsening anarchic situation where lawlessness became widespread, mob action began to rule, and innocent people were being beheaded on the streets.

Once the Government assumed State powers, it laid down clear objectives aimed at re-establishing a multi-party democratic state that would reflect the aspirations of all the citizens of Myanmar.

The Government and the people strongly believe that without unity in Myanmar, the maintenance of independence and preservation of sovereignty as well as the development of the nation cannot be achieved. As such, the national reconsolidation process was

accorded one of the top priorities of the Government. The Government invited all the groups that had chosen the path of armed struggle against successive Governments to return to the legal fold and to participate in the efforts to build a peaceful, developed and democratic nation.

All save one of the major armed groups have heeded this sincere call and efforts are still in progress to persuade the sole remaining group, the Karen National Union (KNU), to follow suit. The KNU is still engaged in a futile armed struggle against the Government, totally ignoring the olive branch extended by the Government. The KNU which was declared illegal in 1949, has undergone many changes in both its leadership and political persuasion. Under its current guise, it masquerades as a democratic force. It has also undertaken to destabilise the peace and stability achieved so far in the border areas by trying to instigate those armed groups which have already returned to the legal fold to reject the efforts of the Government and people to build a peaceful, prosperous and democratic nation.

The fighting strength of the KNU was considerably diminished some four years ago when most of its rank and file, who were dissatisfied with the leadership and who wanted peace, broke away from the main organisation. Subsequently, the KNU lost all of its major camps on Myanmar soil. Its movements are now limited operating in the form of small mobile units only.

The family members, sympathisers, and supporters of the KNU are still based in the so-called "refugee camps", established across the border by the KNU since the 1980s, in order to elicit the support and sympathy of the international community. Media reports by international correspondents confirm that the camps have been used as a safe haven by the KNU who store their weapons there, and launch atrocities against the Government and the local populace in Myanmar.

It is from these camps, and pocket areas in the country where remnants of the KNU still exist, that unfounded allegations and accusations against the Government emanate. Those who bear ill-will against the Government and the people of Myanmar quote these characters as "credible sources" of news regarding Myanmar, deliberately misleading the international community.

However, the Government still extends the peace offer to the KNU with sincerity and patience, and stands ready to receive back all Myanmar nationals who have been residing in the so-called "refugee camps". Hundreds of KNU members have taken advantage of the Government's offer and have "exchanged arms for peace" of their own accord. The returnees are warmly welcomed by the authorities and necessary assistance provided. They have realized the genuine goodwill of the Government and are now participating in the regional development activities. Many more are continuously breaking away from the KNU and "exchanging arms for peace." Soon the Kayin State can look forward to being part of the development activities that are flourishing throughout the country.

It now lies in the hands of the leadership of the KNU to seriously consider what their main objectives for their people are, and to commit themselves to the most practical and sensible way of bringing peace and prosperity to the people they profess to speak for, in order to bring an end to the pointless bloodshed and seemingly endless life as refugees they claim they have to endure. It is they who choose their way of life and they who condemn themselves to lives as refugees.

They only need to look at the other groups who have come into the legal fold and are working together with the Government for the betterment of their people to know that they would be welcomed with open arms and that their own aspirations for the development of the people they claim to represent will be realised in a peaceful and successful manner. They

need to balance their own need for personal power with the need of their people for the right to a peaceful existence.

The effort of the Government has resulted in the people of Myanmar, especially those residing in the border areas, enjoying the peace and stability that prevails in the country for the first time in many decades.

Development of Border Areas and National Races

An absence of infrastructure and the lack of peace and stability meant that the border areas, where many of the 135 national races of Myanmar reside, have lagged behind the rest of the country in development. Some of the people there had turned to poppy cultivation, which does not have to depend on roads for transport as other perishable produce would. Decades of ignorance had kept them blind to the effects that narcotic drugs can have on society and mankind as a whole.

Abuse and illicit trafficking of narcotic drugs bring about crime and undesirable activities, money laundering and deterioration of the moral character of populations - in short, a major socio-economic challenge to the well-being of all mankind. It is a threat to the right of the people to enjoy quality of life. It is with strong convictions that the Government of the Union of Myanmar has always held anti-narcotics measures as a national responsibility.

It is an established fact that the poppy plant was introduced to the northern regions of Myanmar in the nineteenth century by the colonialists. In the face of strong objections from the people, the Buddhist clergy, and the American Baptist missionaries, opium dens were allowed to operate freely. Thus were the people of Myanmar introduced to narcotic drugs.

Myanmar has always contributed unstintingly to the fight against narcotic drugs. Our soldiers have paid dearly: 776 of them have been killed in action from 1988 to 1997, while 2350 sustained injuries. They did this out of their sense of duty. They get no glory and no international recognition for their selfless sacrifice.

Drug control programmes in Myanmar take a three pronged attack, aiming at supply reduction, demand reduction and law enforcement. 1997-98 records show that 49,000 acres of poppy plantations were destroyed by the Government and the people. Poppy cultivators are given education in order to encourage them to seek their livelihood by other means such as crop substitution. In the Kokang region for example, buckwheat is being cultivated with assistance from Japan. Law enforcement personnel regularly seize and destroy illicit drugs; the period of September 1988 to the end of 1998 saw the seizure and destruction of over 28385 kilograms of opium, 4125 kilograms of heroin, 26 million tablets of amphetamine-type stimulants, 6239 kilograms of ephedrine and 56832 gallons of precursor chemicals. 98 heroin refining laboratories were also destroyed. Members of foreign missions in Myanmar as well as journalists are always invited to attend the large-scale destruction of narcotic drugs. Delegates to the 4th International Heroin Conference held in Yangon in February 1999 participated in the most recent destruction of narcotic drugs.

This conference was organised by ICPO-Interpol General Secretariat and hosted by the Government of Myanmar. It was attended, among others from 28 other countries, by the Director of the Office of Interpol Director-General, Mr. Paul Higdon, who also commended the Myanmar Government's efforts aimed at eradication of illicit drugs. It is regrettable that some Western countries decided to boycott the conference for political reasons, totally ignoring its universal humanitarian aspects.

Myanmar has presently embarked on a 15-year narcotic drugs elimination plan. The plan calls for three five-year periods ending in 2014. Fifty-one major opium poppy cultivating townships in the Shan State, Kachin State, Kayah State and Chin State have now initiated activities for the elimination of narcotic drugs. Activities being implemented include alternative crop development, livestock breeding, roads and bridge construction, communications, energy, commerce, health rehabilitation, education and enhancing the activities of law-enforcement agencies. Prioritized activities include the elimination of opium poppy cultivation and production, elimination of drug abuse, law enforcement, organising the entire mass of people to join in the activities, and international cooperation.

The Government and the people of Myanmar will continue to be firm in their commitment and dedication to carry through the task of eliminating the national and international scourge of drugs despite limited resources. Of course, this goal could be achieved much sooner than targeted should there be assistance from the international community to whom Myanmar is always ready to extend her fullest cooperation.

Since the programmes planned for the elimination of narcotic drugs also work for the alleviation of poverty in the border areas by giving them alternate means of livelihood, as well as health care, education and the infrastructure to carry it all through, it cannot but follow that the quality of life for the people in the border areas should continue to improve together with the peace and tranquillity that they are experiencing for the first time in many decades. Being able to enjoy the fruits of development is, after all, their right.

Developments in the Democratisation Process

The Government is at present laying grounds for democracy to function fully in the country, for a democratic state that would reflect the aspirations of all the 135 national races residing in the Union.

Where only one political party - the Socialist Party - was allowed under the State Constitution existing prior to 1988, the present Government has allowed a multitude of political parties, reflecting all shades of political opinions, to be formed under existing laws and regulations. Today, 10 legally-standing political parties, including the National League for Democracy (NLD), function in the country.

An essential prerequisite for building a genuine multi-party democratic state in accordance with the aspirations of the people is a strong and enduring State Constitution. This is also the expressed wish of the majority of the political parties.

The National Convention, created to provide the disciplined forum for political dialogue, has been convened to lay down fundamental principles to be enshrined in the future democratic State Constitution. All the political parties, together with representatives from all strata of society, were invited to take part in the convention, so that they could have a platform on which to give their opinions and on which they could discuss the future of the country together. The delegates have so far managed to reach consensus on over a hundred basic principles, through the process of open and frank deliberations.

Although the Plenary of the National Convention is not in session at this point, the National Convention Convening and Work Committees are at present active in the fulfilment of their responsibilities and are working on the basic principles in the matter of power sharing between the central organs of the State and those of the States and regions. With half the

work of the National Convention already completed, the delegates will be able to discuss in detail this important and sensitive issue when the Plenary Session of the National Convention reconvene.

The Government is convinced that a true democracy can be arrived at only through a systematic step-by-step process so that the system will be one that endures, ensures peace and stability in the country, besides withstanding the test of time and of circumstances.

In terms of national reconsolidation and nation-building, the present Government has managed to achieve what previous Governments were not able to. The Government has promoted peace and stability by fostering understanding among the national races. However, the country is still at a stage of a fragile political and economic development. It would take little to plunge the country and the people into chaos once more. It should not be difficult to see why the Government is so determined that the momentum be kept up and the country not slide back into an anarchic situation. Only then can the country be eventually transformed into a peaceful, prosperous, modern democratic nation.

One needs to ponder whether premature calls for full political rights take into consideration the potential for turmoil, insecurity, bloodshed that have taken place in more than one country around the world when a democracy is thrust upon a society not yet primed for it. Most of the developed countries have had decades, if not centuries to perfect their political systems. It is not a matter that can be achieved overnight without the groundwork being laid.

As such it is of utmost importance that the legally standing political parties in Myanmar adhere to relevant laws of the land. Only in the environment of the rule of law can true democracy flourish. The Government does not interfere with the activities of any of the political parties pursuing their work within the bounds of the existing laws and regulations.

And just like any other responsible Government, it has the responsibility to maintain law and order in the country so that its people enjoy the right to live in peace and security.

The National League for Democracy (NLD) has also all the rights and responsibilities enjoyed by other legally standing political parties. But this one political party has shown, under various circumstances, that it is bent on taking advantage of the forbearance of the Government. The NLD has set in motion, more than once, courses of action that could lead to undesirable upheaval. On the other hand, it has been demonstrated time and again that the NLD is able to hold party functions successfully when it operates according to the rules and regulations.

Daw Aung San Suu Kyi has also been freely initiating and taking part in political activities within the bounds of prescribed regulations, and when they do not threaten personal security.

The series of agitative activities conducted by the NLD last year were designed to destabilise the situation. The NLD secretly and systematically plotted to convene a parliament on its own. In September the NLD issued a declaration regarding the formation of a 10-member committee to convene a parliament. If the NLD took this line of action, the party could then become some sort of a "parallel government", which no government could ever countenance. If such a situation were to arise whereby a parliament is summoned, legal action would have to be unavoidably taken against the NLD and this would only be detrimental to the interests of the party.

To forestall such a situation from arising, the Government had to take appropriate measures in the supreme national interest. In order to maintain stability and national security, representatives-elect and some party members of the NLD have had to be called in temporarily at guest houses for the purpose of exchanging views on the consequences of the

actions of the party for the peace and stability of the State. It should be understood that the measures taken by the Government were totally preventive in nature and in no way aimed at interfering in the normal political work of the NLD.

It should also be kept in mind that the Government, after all, convened the National Convention with the view towards framing a firm and enduring State Constitution. There is no alternative to the National Convention process and any other approach would only be detrimental to the country and its people.

The Government has time and again reaffirmed its commitment to the establishment of a truly democratic society in Myanmar according to the aspirations of all its citizens. Furthermore, it has repeatedly declared that it is transitional in nature and that it has no intention of exercising State power any longer than necessary. Once a firm and enduring State Constitution has been adopted, it will form the basis upon which the transfer of State power to the people will be achieved. The Government will then convene a parliament upon the emergence of this State Constitution.

However, a constitutional process in a country can proceed only as far and as fast as circumstances permit. Myanmar is no exception and this Government is doing its utmost to create conditions conducive for the democratisation process to succeed in the shortest time possible.

Attempts from outside to hasten the process or to set the direction in which Myanmar should move would only hinder the pace of democratisation and prove to be counter-productive.

The Government of the Union of Myanmar is fulfilling its responsibility to implement the transition of the country from one political and economic system to another and has to balance

the political rights of one person or one political party with the right of the whole population to live in peace and security and the right to development of the whole population. In the present circumstances, the Government views the latter to be of greater importance for its 46 million people, especially in the face of the financial crisis which is adversely effecting the whole region, and which, like its neighbouring countries, Myanmar is having to weather.

The Government of the Union of Myanmar will continue to be resolute in its commitment to establish a genuine multi-party democracy and will not waver from the political agenda it has laid down.

The Right to Development

For developing countries like Myanmar, the most essential and fundamental duty is to meet the food, clothing and shelter needs of the people, and to raise their standard of living. Without ensuring this basic right, other aspects of human rights cannot be effectively implemented. Although there are countries that stress the importance of civil and political rights, developing countries like Myanmar truly believe that equal importance should be accorded to economic, social and cultural rights.

With the country experiencing peace and tranquillity, the Government is making every effort for the advancement of economic and social conditions in the country. A transition has taken place for the economy to open out to market forces where once it was an inward-looking, centrally planned one. The private sector is being encouraged to be the main component of the free market system and the people are now taking an active part in the economic life of the country.

The Government undertook wide-ranging economic reforms and implemented a stabilising programme. Having stabilised the economy, it implemented a Four-Year Economic Plan (1992-96) which outperformed its planned targets. Myanmar achieved an average GDP growth rate of 7.3% while the target was 5.6%. Presently, Myanmar is implementing a Five-Year Economic Plan. During the first year of the plan the country also out-performed its target and achieved a GDP growth of 6.4%.

The agriculture sector, being the mainstay of the country's economy, with about 38% of the total GDP, accounting for nearly 40% of foreign exchange earnings, is accorded top priority. In line with liberalising the economy, the country is also moving away from planned agriculture. Farmers who constitute 60% of the work force of the country now largely cultivate crops of their choice and are able to process, transport and trade their produce freely.

Over 23 million acres of cultivable lands still exist in the country. National entrepreneurs equipped with sufficient capital and managerial skills are now investing in the agricultural sector to utilise vacant fallow lands as well as to tame virgin land and wetlands, in order to grow crops, raise per-acre yields and boost agricultural output.

With the economic policy on the right track, the Government is giving priority to the development of the infrastructure of the country, which will in turn contribute to the success of the economy. The Government is constructing bridges, roads, railroads and motorways, dams and reservoirs throughout the country with added momentum. Local entrepreneurs are also undertaking the responsibility of implementing some of the infrastructure development projects, which in turn creates job opportunities for a large number of the work force.

The standard of living of the majority of the population has been markedly raised by the new liberal economic policy laid down by the Government. The people can now enjoy one of their most important fundamental rights, the right to development.

Rights of the Child and Rights of Women

Uplifting of the morals and morality of the entire nation, national prestige and integrity, the preservation and safeguarding of cultural heritage and national character, and the upgrading of the standards of health, education and fitness are essential for the perpetuation of the nation. The Government has laid down its social objectives accordingly, and relevant ministries are endeavouring towards the successful realisation of these objectives.

The Government is of the view that to be able to successfully uplift the morals and morality of the entire nation, the rights of our women and children must be protected and further promoted, since this group forms the most important and at the same time, the most vulnerable group of our society. The Government also believes that working within the framework of the United Nations system is the most effective and appropriate way to reach the goal. As such, Myanmar became a state party to the UN Convention on the Rights of the Child in 1991 and acceded to the UN Convention on the Elimination of All Forms of Discrimination Against Women in 1997. These measures undertaken by the Government clearly demonstrate the priority and importance it attaches to the protection and promotion of the rights of our women and children.

In order to comply with the Convention on the Rights of the Child, the State promulgated the Child Law in 1993. Subsequently, the Government formed the National Committee on the Rights of the Child whose task is to effectively implement the provisions laid down in the law. Committees on the Rights of the Child are being formed at the State and Division levels as well as at the district level. Juvenile courts have been established within Yangon Division while township judges have been conferred the powers of Juvenile Judges in areas where such courts have not yet been established. A programme of action was also adopted which the Departments of Health, Basic Education, and Social Welfare are

implementing with the close collaboration of UNICEF. Measures have also been taken to involve the whole community in the implementation of the Convention.

Myanmar is fully committed to the successful implementation of the Convention on the Rights of Child. As a developing country, and a country in transition, Myanmar comes up against constraints in carrying out the task of implementing the Convention fully. This fact is spelled out in the National Report submitted to the Committee on the Rights of the Child. The Government of the Union of Myanmar is doing its utmost to overcome the difficulties, operating in large part on its own limited resources.

The Government is assuming a leading role in coordinating and monitoring the progress made for the advancement of women. In order to systematically conduct activities for the advancement of women in the country, a separate body called the Myanmar National Committee for Women's Affairs, representing the entire mass of Myanmar women, was formed by the Government in 1996. Following this, a Working Committee for Women's Affairs was established at the national level with different sub-Committees relating to education, health, culture, economics, the girl-child, and violence against women under the Committee.

Women Affairs Committees set up at the state and division levels are effectively implementing the policies and guidelines laid down by the different sub-Committees.

One of the most recent achievements of the Myanmar National Committee for Women's Affairs in endeavouring for the advancement of women was the successful convening of the First Myanmar Women's Conference in December of last year. The Conference was organised with the noble aims of developing the life of Myanmar women, making collaborated efforts for the normal flourishing of women's rights, allowing for women to preserve and promote national culture with a nationalist spirit, and for the entire mass of

the women to strive for in the building of the nation. New plans to effectively bring about the interests of Myanmar women emerged from the Conference.

The Myanmar National Committee for Women's Affairs, together with the World Health Organisation, the Ministry of Health and the Ministry of Social Welfare, Relief and Resettlement co-sponsored the Regional Consultation on Violence Against Women and the Role of Health Sector in Yangon early this year. The issue of violence against women is one of the major concerns of the international community and this symposium was convened with the aim of adopting new strategies and means of reducing the dimensions of this social problem.

Although violence against women is not a major problem in Myanmar due to the unique culture, traditions and practices of the Myanmar society, the Sub-Committee on Prevention of Violence Against Women under the Myanmar National Committee for Women Affairs has been implementing systematic programmes for reducing this problem. Surveys and research projects are being undertaken in Yangon and other regions of the country in order to obtain more data on this subject. Awareness campaigns for the public are also being launched for dissemination of information through various means. Discussions and seminars on the subject are held in various townships. Training programmes for law enforcement personnel, prosecutors, judicial personnel and prison officials are being conducted to enhance their knowledge and awareness of the causes, consequences and mechanisms of violence against women. Measures are also being taken to educate and train personnel for the health and social services sectors on how to deal with the consequences of violence.

Moreover, counselling is also made available to the women in need of such service. In the regional context, officials of the departments concerned participate in ASEAN meetings

to share experiences and exchange knowledge with the colleagues from other member countries.

The Government of the Union of Myanmar recognises the role of women in the national development process and advocates equality between men and women.

Other women's organisations, such as the Myanmar Maternal and Child Welfare Association, the Myanmar Women's Sports Federation, the Women Chapter of the Myanmar Medical Association, and the Myanmar Women Entrepreneurs Association are also working towards the promotion of health care and socio-economic life of women and children living in both cities and rural areas.

For example, the activities of the Myanmar Maternal and Child Welfare Association range from catering to the health of mothers and children in both urban and rural areas, reducing maternal and infant death rates, opening of delivery rooms, conducting of educative training in systematic breast-feeding, taking part in National Immunisation Day activities, implementing birth spacing projects, taking control measures for AIDS, campaigning for prevention of iodine deficiency, providing general health care services and other important activities concerning women and children. Officials of the Association participated in drawing health plans together with officials of the Ministry of Health. The Government is rendering assistance to such non-governmental organisations so that they can carry out their respective tasks more effectively.

Myanmar is faithfully implementing the Beijing Declaration and Platform of Action adopted at the Fourth World Conference on Women, held in Beijing four years ago. The efforts of the Government to promote and protect the rights of women further enhance the basic rights already acceded to them by the unique culture and traditions of Myanmar.

Traditional Contribution of Labour

Myanmar is a developing country and the people living in rural and border areas are still poor and underprivileged as compared with inhabitants of developed countries. The Government is committed to help bring the inhabitants of disadvantaged areas out of their continuing cycle of poverty and to make their lives better. Since lack of infrastructure is one of the main reasons for economic and social backwardness, the Government is systematically implementing regional infrastructural development projects Without major international aid, the Government has to utilise all limited resources to bring development to those areas in most need. Hence there are times when the people of less developed areas are requested to cooperate in efforts designed to raise their standard of living.

A thorough review of the regional development projects in which the authorities have been unfairly accused of employing so-called "forced labour" will clearly reveal that there will be long term economic and social benefits for the local populace.

Remuneration is given to the people who participate in the regional development projects by the Government. In some cases, a lump sum of money is given for the benefit of the whole community. The basic needs of the people who contribute labour are also provided for by the departments concerned.

A unique Myanmar tradition, which persists to this very day, also needs to be considered when dealing with this subject. The tradition, which dates back centuries, encourages labour contribution by the local populace towards improvement of their villages, construction and maintenance of pagodas, monasteries, schools, roads, bridges as well as in the digging and clearing of lakes, wells, ponds and irrigation systems. Myanmar people

believe that the contribution of labour is both meritorious and conducive to mental and physical well-being.

Since peace has returned to the areas once inhabited by armed groups due to the national reconsolidation process of the Government, a large number of armed forces personnel are now able to assume full responsibility for the construction of new motor roads and railroads throughout the country. The local populace no longer engage in these projects.

Furthermore, the Government has invited construction tenders from local private entrepreneurs for major highways and excavation works for some of the new railway lines. This market-oriented tender system of the Government is successful in creating job opportunities at competitive rate to the benefit of the local populace.

The members of the Armed Forces have sometimes had to employ civilian labourers for transportation of equipment and supplies over difficult terrain in remote areas during military operations. Recruitment of civilian labourers are done after consultation with the local authorities and the respective military unit has the responsibility of providing wages and other basic needs for the labourers according to the rules and regulations laid down. But as practically all the armed groups have returned to the legal fold, the need for use of civilian labourers by the Armed Forces has diminished.

As a matter of policy, the Government of the Union of Myanmar does not practice or condone the practice of forced labour. Necessary directives to that effect have been issued to the departments concerned.

Myanmar has always had a sound, efficient and fair judicial system, and managed to maintain the rule of law in the country throughout its long history. No one can break the law with impunity, especially the members of the Armed Forces who have their own code of

conduct, besides the Defence Services Law, Rules and Regulations. Punishment is meted out to those found guilty of any transgressions. In fact, the members of the Armed Forces pay more heed to the Law as they can be punished by both military and civil courts.

However, it is regrettable to find false, biased and politically motivated information provided by some organisations opposing the Government in the report of the Commission of Inquiry formed by the ILO.

The Village Act (1907) and Towns Act (1908), which are alleged to be the legal basis for infringement of the relevant provisions contained in the Forced Labour Convention (29) by Myanmar, have been reviewed by the authorities on their own initiative to bring them in conformity with the prevailing conditions in the country, as well as to fulfill Myanmar's obligations to the Convention 29.

The Myanmar authorities have already assured the ILO that they will complete the process within the time frame suggested in the report of the Commission of Inquiry.

Conclusion

In view of the above, the Observer Delegation of Myanmar hopes that the members of the Commission will judge the situation in Myanmar objectively in its entirety without any prejudice and will come to understand and accept the challenges and difficulties that the Government is having to face in preserving the unity and perpetuation of the nation, and in building a democratic state in accordance with the aspirations of all citizens residing in the Union.

It also hopes that the members of the Commission will come to an agreement that at a time such as this, when the region is having to cope with a serious financial crisis which is breeding social unrest of various magnitudes in some of the countries, when serious political, ethnic and racial turmoil are threatening to destabilise the peace and unity in a number of countries around the world, the Government of Myanmar is able to maintain peace and stability, as well as law and order in the country. It also hopes that the members of the Commission will see this achievement of the Government of Myanmar as a major positive development.

However, if only minor negative aspects pertaining to the political rights of one individual or of one political party are highlighted, while downplaying the positive aspects concerning the entire population, a true picture can never emerge when the overall situation prevailing in the country is considered. This should never be the judgement of the Commission.

A multitude of positive changes have taken place in Myanmar and are continuing to do so. Unfortunately, due to constraints of space, many aspects such as the ongoing cooperation with the United Nations, participation in regional affairs, the judicial system, and developments in health and education sectors cannot be incorporated into this memorandum. However, these aspects can be referenced in a comprehensive manner in the Human Rights Commission documents E/CN.4/1997/123 and E/CN.4/1997/124 circulated in 1997, and E/CN.4/1998/150 circulated last year.

The Observer Delegation of Myanmar believes that there exist no valid grounds for introducing a resolution on the situation of human rights in Myanmar at the current session of the Commission.

However, should there be a draft resolution, the foregoing considerations require that such a draft resolution fully and accurately reflect the positive developments occurring in the country. And above all, the draft should be fair, balanced and unbiased.

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